

# TELESIS, INC.

729 Q Street, Lincoln, NE 68508  
(402) 434-5959 • FAX (402) 434-3291  
www.telesis-inc.com

EXHIBIT "A"

RECEIVED  
JAN 22 2002

January 21, 2002

Engineering Services Division  
531 Westgate Blvd./Suite 100  
Lincoln, NE 68528

RE: Request For Use Of Right Of Way

Ladies & Gentleman:

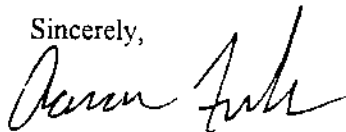
Rainmaker Restaurant Corporation is requesting that the City of Lincoln grant a request for use of right of way for an area located adjacent to Jabrisco Restaurant on the west side of 700 P Street in the Haymarket. The area measures 5' x 30'6" (see attached diagram) and will provide for the construction of an exterior staircase/fire exit from the basement of 700 P Street. A fire escape serving the upper floors of 700 P Street already occupies a portion of this area as shown.

The area requested provides enough space to allow for the construction of the stairwell and accompanying guardrail and does not infringe on any sidewalk spacing requirements. Further, Rainmaker Restaurant Corporation has made the necessary arrangements to amend the bond and insurance information for the portion of the sidewalk that is occupied by the current fire escape to reflect the requested changes.

This request for use of right of way coincides with a current request for a vacation for the same area and for the same reason. The request for vacation has taken longer than originally foreseen and construction on this project has been held up as a result. Rainmaker Restaurant Corporation plans to proceed with the original request for vacation, but the request for use of right of way, if granted, will allow us to break ground a good deal sooner and will prevent us from incurring any further delays in construction.

Your consideration in this matter is greatly appreciated.

Sincerely,



Aaron T. Funk  
Rainmaker Restaurant Corp.

Enclosures

AFFILIATED COMPANIES

EMPYREAN ALES • LAZLO'S BREWERY & GRILL • JABRISCO INTERNATIONAL • BURLINGTON ARCADE MALL • DATA SECURITY, INC.

1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 3. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.  
 6. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.  
 7. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.  
 8. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.  
 9. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.  
 10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.

# GAUDRAIL ELEVATIONS

JABRISCO'S  
SIDEWALK  
CAFE

701 P STREET  
LINCOLN, NE

Project No.

PROPOSAL SET

Date: 01.17.02



ERICKSON  
SULLIVAN  
ARCHITECTS

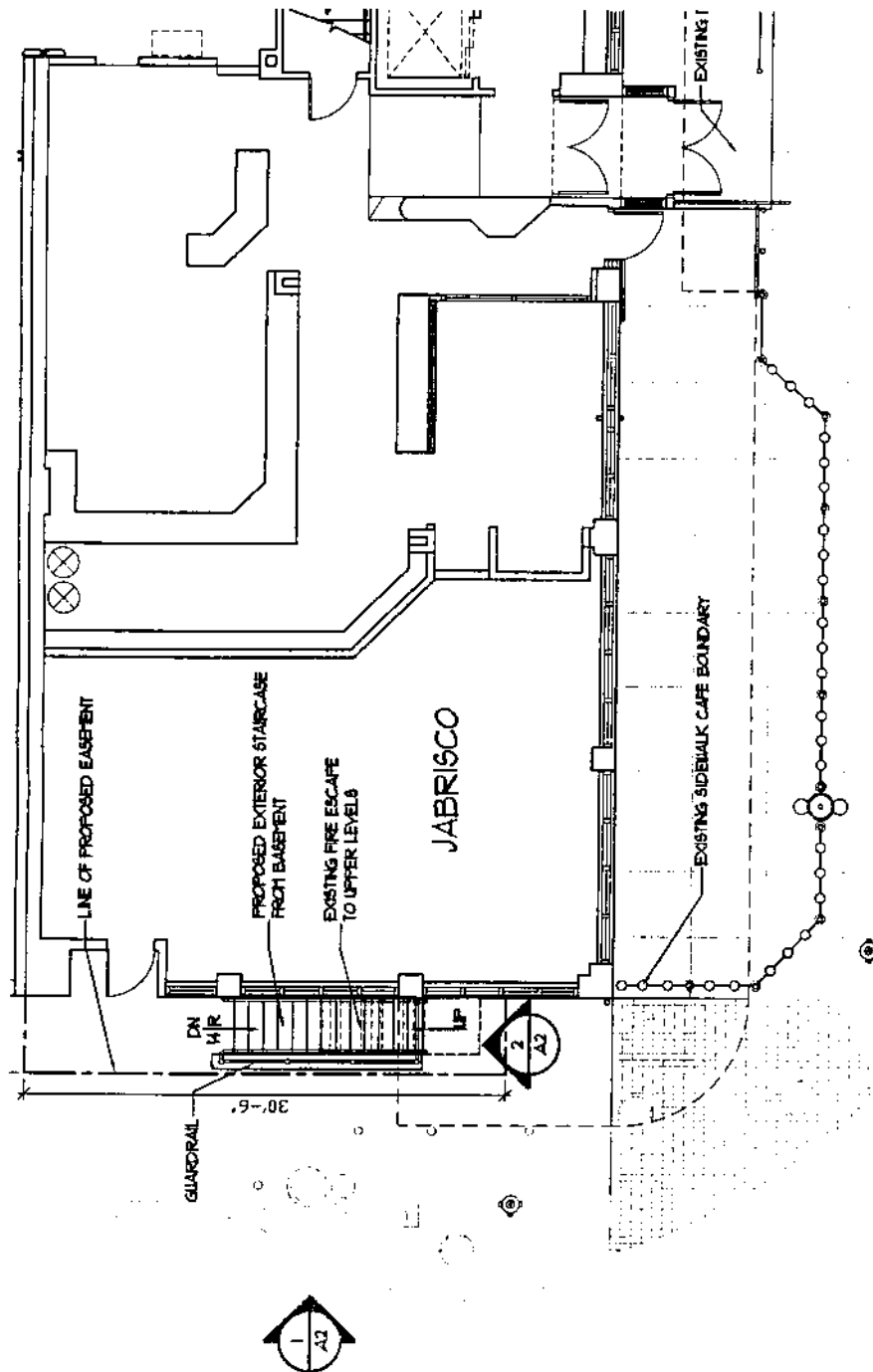
209 South 9th Street  
LINCOLN, NE 68508  
TEL: 402.475.1787 FAX: 402.475.1860

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EXHIBIT "B"

## PROPOSED EASEMENT PLAN

SCALE: 1/8" = 1'-0"



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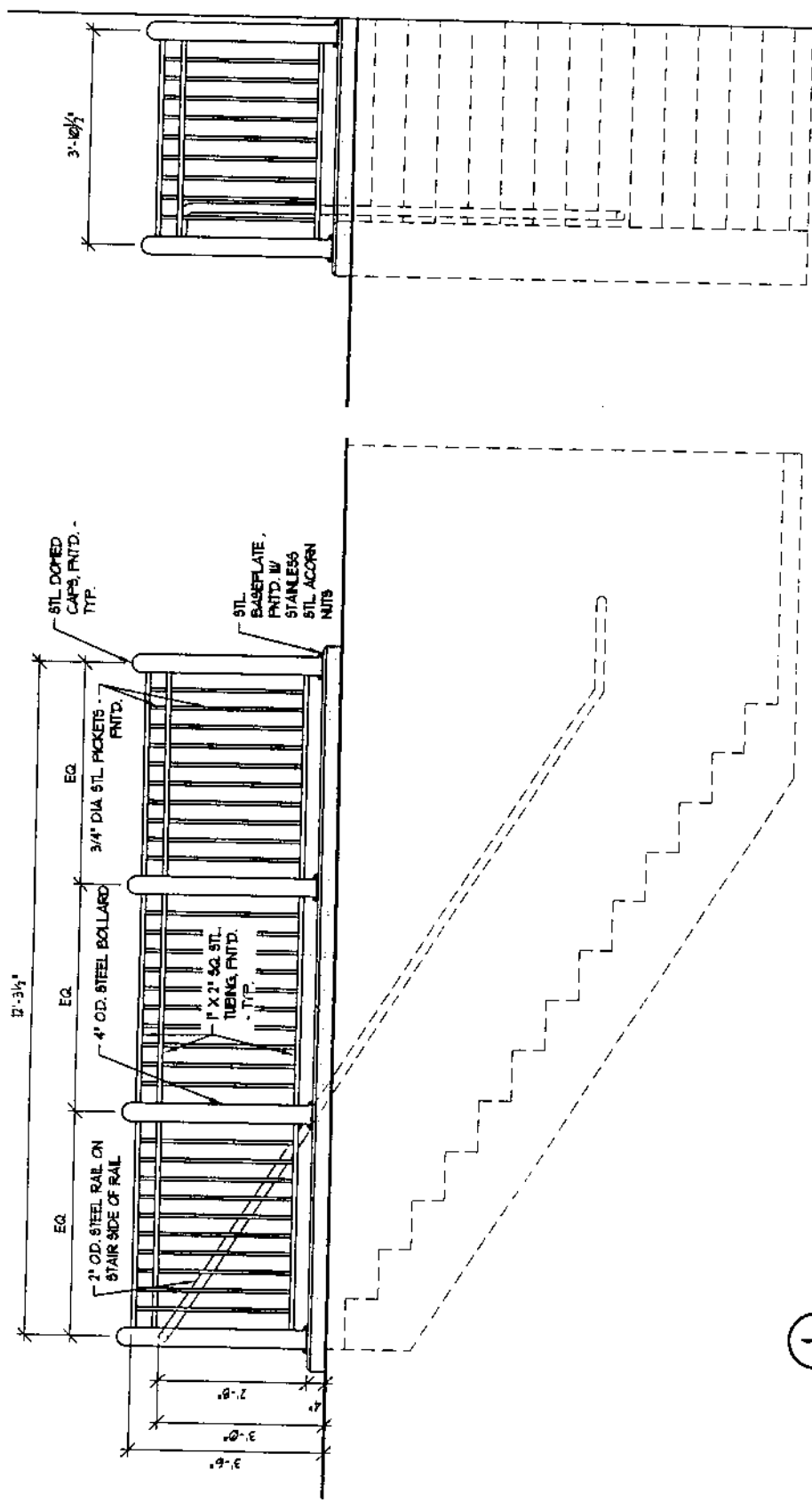


ERICKSON  
SULLIVAN  
ARCHITECTS

209 South 9th Street  
Lincoln, NE 68508

TEL: 402.475.1777 FAX: 402.475.1800

A2



1 GUARDRAIL WEST ELEVATION

SCALE: 1/2" = 1'-0"

2 SOUTH ELEVATION

SCALE: 1/2" = 1'-0"



## RIDER

TO BE ATTACHED TO AND FORM PART OF

Occupier of Public Space

(Type of bond)

NO. RLI508885

IN FAVOR OF City of Lincoln

(Obligee)

ON BEHALF OF Lazlo, Inc. Lazlo's Brewery & Grill

(Principal)

EFFECTIVE February 7, 2000

(Original effective date)

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider,

1. The Surety hereby gives its consent to:

( ) INCREASE

( X ) CHANGE THE NAME OF THE PRINCIPAL

( ) DECREASE

( ) CHANGE THE ADDRESS OF THE PRINCIPAL

( ) CHANGE THE EFFECTIVE DATE

( ) CHANGE THE EXPIRATION DATE

( ) OTHER

(of) the attached bond FROM: Lazlo, Inc.

Lazlo's Brewery & Grill

TO: Rainmaker Restaurant Corporation

EFFECTIVE: January 18, 2002

2. PROVIDED, however, that the attached bond shall be subject to all its agreements, limitations, and conditions except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as changed by this rider shall not be cumulative.

3. Signed, and sealed this 18th day of January, 2002.

ACCEPTED BY:

Scott Miller President  
(TITLE)

Old Republic Surety Company

SURETY

By:

Lori M. Menichetti  
ATTORNEY-IN-FACT  
Lori M. Menichetti



# OLD REPUBLIC

Surety Company

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

DENNIS E. SMITH, DANIEL DUANE HARTMAN, DIANE TAYLOR, MICHAEL J. GLASER, CAROL J. CASEY, LORI M. MENICHETTI, OF OMAHA, NE

its true and lawful Attorney-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company hereto (if a seal is required); bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds, guaranteeing payment of benefits, asbestos abatement contract bonds, waste management bonds, hazardous waste remediation bonds or black lung bonds), as follows:

ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED AN AGGREGATE OF ONE MILLION DOLLARS (\$1,000,000)----- FOR ANY SINGLE OBLIGATION, REGARDLESS OF THE NUMBER OF INSTRUMENTS ISSUED FOR THE OBLIGATION.

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts or said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This document is not valid unless printed on colored background and is multi-colored. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that the president, any vice president or assistant vice president in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company:

- when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 6TH day of SEPTEMBER, 2001.

*[Signature]*  
Assistant Secretary



OLD REPUBLIC SURETY COMPANY

*[Signature]*  
President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - 38

On this 6TH day of SEPTEMBER, 2001, personally came before me, JAMES E. LEE and JO E. MENZEL, one known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say that they are the said officers of the corporation aforesaid, and that a seal affixed to the above instrument is the seal of the corporation, and they said corporation seal and their signatures as such officers are duly attested and subscribed to the said instrument by the authority of the board of directors of said corporation.



*[Signature]*  
Notary Public

My commission expires: 02/13/2005

### CERTIFICATE

I, the undersigned, Assistant Secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked, and furthermore, that the Resolutions of the board of directors of said corporation are true and correct.

40-1287



Signed and sealed at the City of Brookfield, WI this 18 day of January, 2002

MARCOTTE INSURANCE AGENCY, INC

*[Signature]*  
Assistant Secretary



366 REGENCY PARKWAY  
OMAHA, NE 68114-3740  
PHONE (402) 398-9009  
WATS 800-284-7142  
FAX (402) 398-0917

## MARCOTTE INSURANCE

January 18, 2002

Telesis, Inc.  
Aaron Funk  
729 Q Street  
Lincoln, NE 68508

RE: Use of City Property Bonding  
Bond # RLI508885

Dear Aaron,

Since the City does not require an increased limit for the addition to the existing bond for Lazlo's basement entrance construction, the current bond will automatically extend to the new useage.

We are however, upon Scott's approval, changing the named insured on the bond from Lazlo's to Rainmaker Restaurant Corporation, since this is the name everyone has been referencing in the literature that was mailed to me.

Enclosed is a rider to the bond which will acknowledge the name change. This rider can be used for the extension to the existing bond if you would please have a company officer sign the bond in the area indicated. Once signed, you can deliver it to the City.

If you have any questions, or if the City has any questions, please don't hesitate to call me have the City call me directly and I'll be happy to assist.

Thank you!

Sincerely,

Lori Menichetti